

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 2, 2004

D043660 In re Ashley C., a Juvenile

The above-entitled appeal is dismissed as duplicative of the Notice of Intent in case number D043599.

D042934 People v. Phakeokoth

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal Rules of Court, rule 30.3).

D042927 In re Nayeli P., a Juvenile

The order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 3, 2004

D041449 People v. Gurule

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices
Judith Haller and Alex McDonald

Clerk: D. E. Moore

D042716 People v. Conley

Cause called on merits. David M. Stotland, Deputy City Attorney argued for appellant. John J. Cleary, Esq. argued for respondent. Cause submitted.

D040679 Ramona Unified School District v. Kearney

Matter called on merits. Mike Fish, Esq. argued for appellant. Kenneth S. Klein, Esq. argued for respondent. Mr. Fish replied. Matter submitted.

D042241 Ramona Unified School District v. Kearney

Matter called on merits. Mike Fish, Esq. argued for appellant. Kenneth S. Klein, Esq. argued for respondent. Mr. Fish replied. Matter submitted.

D042541 Kearney v. Superior Court

Matter called on merits. Mike Fish, argued for petitioner. Kenneth S. Klein, Esq. argued for real party in interest. Matter submitted.

Court adjourned at 10:24 a.m.

D043438 Larry S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for Larry S. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043680 Courtney S. et al. v. Superior Court of San Diego County/Dolan et al.

The petition is denied.

D041927 Hector et al. v. Trien

Cross appellants, Irene Hector et al., have failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The cross appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 4, 2004

D041190 People v. Skoor

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., Irion, J.

D041424 Gimbrone v. Department of Motor Vehicles et al.

The judgment is affirmed. Appellant is to pay costs on appeal. O'Rourke, J.;
We Concur: Benke, Acting PJ., Haller, J.

D041666 People v. Dean

The judgment is affirmed. McIntyre, J.; We concur: Benke, Acting P.J., Huffman, J.

D041667 People v. Mason

The convictions are affirmed. The sentence is reversed and the matter is remanded for resentencing.
Haller, J.; We Concur: McConnell, P.J., Aaron, J.

D040993 Morris v. Employers Reinsurance Corporation

The request for publication is denied.

D040803 People v. Roberson et al.

The judgments are modified to stay the sentences imposed for count 4. As so modified, the judgments
are affirmed. The trial court is directed to prepare amended abstracts of judgment reflecting the
modifications and forward copies of them to the Department of Corrections. Huffman, Acting P.J.;
We Concur: Aaron, J., Irion, J.

D041293 Acosta v. Wilder

The order is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., Irion, J.

D042428 In re Liliana S. et al. Juveniles

The opinion filed 1/9/04, is ordered certified for publication.

D041811 Gray Cary Ware & Freidenrich v. Vigilant Insurance Company

The request for judicial notice filed by Gray Cary Ware & Freidenrich on January 26, 2004, is granted. It
is ordered that the opinion filed herein on January 12, 2004, is modified. (No change in judgment)

D041392 Cardenas et al. v. American Surety Company et al.

The judgment is reversed on appellants' claims for breach of contract, constructive fraud/breach of
fiduciary duty/concealment, to set aside/rescind the deed, and for declaratory relief. This matter is
remanded for a new trial consistent with this opinion. The order approving respondents' tender of
monies to appellants is reversed. In all other respects the judgment is affirmed. Nares, J.;
We Concur: McConnell, P.J., Huffman, J.

D041551 People v. Balestreri

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., McIntyre, J.

D043498 In re the Marriage of Luk

Appellant's petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 4, 2004 (continued)

D043640 In re Porter on Habeas Corpus

The petition is denied.

D043641 In re Marin on Habeas Corpus

The petition is denied.

D043541 SSE Manufacturing, Inc. v. Superior Court of San Diego County/Pro-Tech

Plumbing et al.

The petition is denied.

D043638 Reynolds et al. v. Superior Court of San Diego County/HCR Manor Care Inc. et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 5, 2004

D042670 People v. Anders

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McIntyre, J.

D041845 McClain v. Thompson

The probate court's order sustaining the demurrer and denying McClain's petition is affirmed. Respondent is entitled to costs on appeal. Aaron, J.; We Concur: Huffman, Acting P.J., Nares, J.

D041156 Kautzky et al. v. Burke et al.

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D042406 People v. Palazzo

The judgment is affirmed. Haller, J.; We Concur: Benke, Acting P.J., Huffman, J.

D043004 In re Jeremy W., a Juvenile

The judgment is affirmed. McDonald, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D041378 Lenox v. Flamingo Motors, Inc.

The order awarding attorney fees and costs is affirmed.

D043678 In re Brooks on Habeas Corpus

The petition is denied.

D041177 People v. Carrillo

The petition for rehearing is denied.

D043604 Goyochea et al. v. Weir et al.

The petition is denied.

**D043115 Kathy L. et al. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The petitions are denied. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 6, 2004

D041019 In re the Marriage of Morelan

We reverse the portions of the supplemental judgment denying Craig's request for Epstein credits relating to his payments on the 401k loan from July 2000 through July 2001 and ordering Craig to reimburse Laurel for child-related expenses. In all other respects, we affirm. We remand the matter with directions for the trial court to amend the supplemental judgment to award Craig the Epstein credits referred to above and to modify paragraph 25 of the supplemental judgment to require Craig to reimburse Laurel only for pre-school tuition and expenses for school field trips and schools supplies documented by her up to the time of trial. Each party is to bear his or her own costs on appeal. McIntyre, J.;
We Concur: Benke, Acting P.J., Haller, J.

D042378 Kaplon v. Sulzer Dental, Inc. et al.

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.